

28 (1) An optometrist or physician issuing a contact lens prescription shall:
 29 (a) be licensed under this title to practice in Utah;
 30 (b) ensure the final contact lens prescription is accurate;
 31 (c) inform the patient that the patient may have options among several contact lens
 32 brands or manufacturers and ask the patient if the patient has a preference for a particular brand
 33 or manufacturer ~~H→ [;] , and document this information in a clear statement on:~~

33a (i) the document required by federal law acknowledging that the patient received the
 33b contact lens prescription; or

33c (ii) the digital prescription, if the optometrist or physician is providing a digital
 33d prescription; ←H

34 ~~[(c)]~~ (d) present a written copy of the prescription to the patient after fitting; and
 35 ~~[(d)]~~ (e) provide a copy of the patient's contact lens prescription to a person who sells
 36 contact lenses upon the request of the patient or the person selling the contact lenses.

37 (2) An optometrist or physician may not be held liable as a result of providing a
 38 prescription to a patient as required by Subsection (1).

39 (3) Application of the provisions of this section shall be consistent with 45 C.F.R. Parts
 40 160 and 164, Standards for Privacy of Individually Identifiable Health Information.

41 (4) ~~H→ [(a)] ←H~~ If the patient requests a brand or manufacturer that the prescribing
 41a optometrist
 42 or physician determines is medically appropriate for the patient, the prescribing optometrist or
 43 physician shall offer the patient a prescription that includes the brand or manufacturer that the
 44 patient requests.

45 ~~H→ [(b) The prescribing optometrist or physician may include alternative brands or~~
 46 ~~manufacturers under Subsection (4)(a) on a single prescription.~~

47 ~~———— (c) If the prescribing optometrist or physician determines that only a single brand or~~
 48 ~~manufacturer is medically appropriate for the patient, the prescribing optometrist or physician~~
 49 ~~shall document the reason for this medical judgment with sufficient detail to allow a qualified~~
 50 ~~professional to review the medical judgment.~~

51 ~~———— (d) The prescribing optometrist or physician shall:~~

52 ~~———— (i) provide the documentation described in Subsection (4)(c) to the patient upon the~~
 53 ~~patient's request; and~~

54 ~~———— (ii) maintain the documentation described in Subsection (4)(c) for at least three years~~
 55 ~~after the date of the patient encounter.~~

56 ~~———— (5) (a) A prescription issued under this part shall include on the federally required~~
 57 ~~acknowledgment of receipt of the contact lens prescription, or on the digital prescription if~~
 58 ~~providing a digital prescription, a clear statement indicating that the patient:] ←H~~

59 ~~Ĥ→ [(i) acknowledges that the prescriber informed them that the patient may have a choice~~
60 ~~among several contact lens manufacturer brands, and the patient was asked if the patient had a~~
61 ~~preference; and~~
62 ~~—— (ii) received a list of any brands or manufacturers that the patient requested that were~~
63 ~~not included on the patient's prescription.~~
64 ~~—— (b) If a patient requests a discussion with the optometrist or physician under Subsection~~
65 ~~(5)(a)(ii), the prescribing optometrist shall list all of the brands that the patient has requested on~~
66 ~~the contact lens prescription.] ←Ĥ~~